

# **EXHIBIT A**

# AGNIFILO INTRATER

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March 18, 2025

**VIA EMAIL**

AUSAs Comey, Foster, Johnson, Slavik, Smyser, Steiner  
United States Attorney's Office  
Southern District of New York  
26 Federal Plaza, 37<sup>th</sup> Floor  
New York, New York 10278

**Re: *United States v. Combs*, 24-cr-542 (AS)**

Dear AUSAs Comey, Foster, Johnson, Slavik, Smyser, Steiner:

We write regarding your March 17, 2024 email regarding potential defense experts. As you are aware, the defense has engaged Conor McCourt of McCourt Video Analysis. (See ECF 82.) Mr. McCourt continues to provide analysis to the defense as to (1) the video initially published by CNN on May 17, 2024; (2) the videos batestamped USAO\_00937645 - USAO\_00937646; and (3) the videos batesstamped SC\_00090809 – SC\_00090812. We have retained Mr. McCourt in connection with our upcoming motion *in limine* regarding this footage. We expect to argue (based on conversations with CNN's counsel) that CNN copied the footage they received from their source and then destroyed the footage they received from the source (despite knowing of and reporting on the ongoing federal investigation into this matter). The meta data of the aired footage shows that CNN put the footage through a free video editing software. Mr. McCourt will demonstrate that CNN's subpoena production, like the government's Exhibit A-1, "does not accurately depict the events." (See ECF 80 at 9.) His testimony would be of a similar nature to Exhibit D of ECF 80, and we are happy to discuss this in more detail during our meet and confer on Thursday.

As you are also aware, Mr. McCourt has custody of the material described in footnote 3 of the October 7, 2024 Protective Order. Mr. McCourt has been retained to assist the defense in enhancing the audio and video aspects of the footnote 3 recordings.

If the defense were to call him as a witness at the trial, we would not elicit expert opinion testimony from Mr. McCourt. As noted, you are already fully familiar with how Mr. McCourt analyzes video footage, including the tools and methodology he follows, based on the approximately twenty-minute presentation we provided to you and the Court in November 2024 in connection with our bail application. (See ECF 80, Ex. D.) Though there are certain aspects to his testimony that are technical in nature, and though he draws on his experience in the area of video analysis, he would testify as a fact witness, rather than an expert witness.

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March 18, 2025

Page 2 of 2

Please contact us with any questions and we look forward to discussing this at our meet and confer on Thursday.

Respectfully,



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